FOR MYSORE STATE

Home (1953) Department.

Mb. SERIES.

G.O. NO. 1094

Dated 2/4/53

Pass.d
2/4/53

[Despatch Abstract.]

P.P. - Addl. - South Kanara Dt. Mully Station Crimes No. 120/50 - Appeal in the High Ct., Madras — T.R.T. No. 5/52 of High Court. Deputation of Sri. K Narayana Rao Addl. P.P Mangalore To conduct the P.P. Mad... — Sanctioned

1

Pef.C3.2691-53(1)

S.Kanara Dt.Magistrate's office,
Mangalore dated 17.3.53.

From

SRI A.PAVAKRISHNAN, I.C.S.
Dt.Magistrate of South Kanara.

To

The Secretary to Government
Home Department,
Fort St. George Madras 9.

Sir,

CRIMINAL JUSTICE: South Kanara district--Mulky station Crime No.120/50--under section 120B, 302 and 201 I.P.C against A.J.Peres and others--appeal against the conviction of Addit'onal Public Prosecutor S.Kanara to go to Madras--sanction.

***

58835

2

I enclose a copy of report No.C1.18910/52 dated 10.3.53 from the Superintendent of police, Crime Branch, C.I.D.Madras. I agree with him and consider that in the interests of justice it is necessary that Sri T. Narayana Rai, the Additional Public Prosecutor South Kanara who was appointed as a junior Counsel to assist the Public Prosecutor S.Kanara in G.O.Ms.No.3975/Home dated 1.11.52 is deputed to Madras to instruct the Public Prosecutor Madras. In view of the urgency of the matter, I have permitted him to proceed to Madras for the purpose. I request that my action may be approved.

Yours faithfully,

For Dt.Magistrate.

18.3.53.

Copy of letter No.C1. 18910 /52 dated 10th March 1953 from the Superintendent of Police, Branch I/C of Crime Branch, C.I.D. Madras to the District Magistrate, South Kanara, Mangalore.

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SUB: CRIMINAL JUSTICE: Mulky Station Cr.No.120/50 - sections 120-B, 302- & 201 I.P.C. appeal- against the conviction - Deputation of Assistant Public Prosecutor, Mangalore- to instruction Public Prosecutor, Madras- sanction Requested.

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A. J. Peris and two others accused in the above case were convicted and sentenced to death by the District and Sessions Judge, South Kanara in S.C.No. 34/52 on 29.11.52 The accused have preferred appeals to the High Court, of Judicature, Madras.

2. The case is a very complicated one and involves many legal technicalities and also study of voluminous records It would be very advantageous and easier for the Public Prosecutor, Madras to oppose the appeals in the High Court if the Public Prosecutor or the Assistant Public Prosecutor Mangalore who conducted the prosectuion of the case in the Sessions, instructs him during the hearing of the appeals in the High Court. The Public Prosecutor, South Kanara, may not be available to go to Madras for the purpose as he is likely to have sessions work duri g the hearing of the appeals. Sri K.Narayana Rai, Assistant Public Prosecutor Mangalore who was specially appointed as a junior counsel to assist the P.P.Mangalore during the trial of the case in the Sessions, is fully acquainted with the evidence and the facts of the case. Hence I request that Sri K.Narayan Rai, Assistant P.P.Mangalore may please be directed to instruct the Public Prosecutor Madras in the above appeals. The date of hearing of the appeals in the High Court, Madras will be intimated to you as soon as it is known.

(True copy)

Immediate

sd by Spl. messenger

Issued on 26/3/53 at once 1.20 P.M.

pl of the Memo con-
tg 3. h of GO Ms No
dtd 24
10/12/52 at (F)

Home Department

Memo. No. 58835 Cts.III/53- 1 dated 24/3/53

P.P. - Addl. - South Kanara Dt. - Mulky Station Crime No. 120/50 - Appeal in the High Court - Deputation of Addl. P.P., Mangalore to instruct the P.P., Madras.

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pp 2 of

At the instance of the Supdt. of Police, Crime Branch, C.I.D., Madras, the Collector of South Kanara has permitted Sri K. Narayana Rai, Addl. P.P., Mangalore who assisted the P.P., South Kanara in the conduct of the prosecution of the case referred to above before the Sessions Court, South Kanara to proceed to Madras and assist the P.P., Madras in the appeals filed by the accused against their conviction and sentence by the Sessions Judge, South Kanara, as ~~the Junior Counsel~~ Sri Narayana Rai is ~~conversant with~~ fully acquainted with the evidence and

Para 1 cn b 1 of

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Para 2 c b. 2 of

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facts of the case and in view of the very complicated nature of the case, the legal technicalities inevolved and the voluminous records to the studied. ~~It is also felt~~ the Crime Branch C.I.D feels that it would be advantageous and easier for the P.P.. Madras to oppose the appeals in the High Court if he is assisted by either the P.P. or Addl. P.P. South Kanara who conducted the prosecution of the case inthe Sessions Court. The P.P. Madras is requested to state immediately whether the services of the junior counsel, Sri K. Narayana Rai will be required by him during the hearing of the appeals and if so to state the number of days for which the Addl. P.P. will have to remain in Madras for the purpose and also the approximate number of days on which the appeals will be heard.

Para 2 of Addl. S.P. Police

To the P.P., Madras.

(R.D. 1/4/53)

Despatched by special messenger

5

C.F. 32 (a)—27,006—3-4-51.

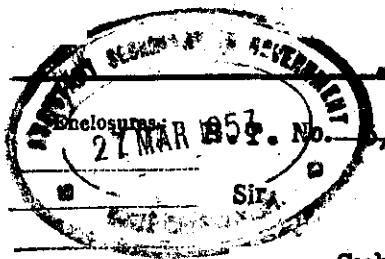
JUDICIAL Department | Received Registered

From (Name) Sri V.T.Rangaswamy Ayyangar, B.A.,B.L., To

Designation Public Prosecutor,

Station Madras.

The Secretary to Government,
Home Department,
Madras.



Enclosures: G.O.(Ms.) No. 5/53, dated 26th March 1953.

Sir,

Sub: Public Prosecutor - Additional - South Kanara District - Mulky Station Crime No.120/50 - Appeal in the High Court - Deputation of Additional Public Prosecutor, Mangalore to instruct the Public Prosecutor, Madras - R.T.No.5/53 - High Court.Madras.

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Ref: Memorandum No.58835 Cts.III/53-1,Home,dated 24th March 1953.

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The Additional Public Prosecutor Sri K.Narayana Rai may be asked to come and assist me in view of the importance of the case and the hearing will take about 2 to 3 days and it may be necessary for the Additional Public Prosecutor

P.T.O.

to come one day in advance for giving me the necessary instructions.

V. J. Rangaswamy

Public Prosecutor.

26/3/83

RS
26/3

Home Department

G.O. Ms. No. 1094 dated 21/5/53

P.P. - Addl. - South Kanara district - Mulky Station Crime No. 120/50 - Appeal in the High Court, Madras - R.T. No. 5/53 of High Court - Deputation of Sri K. Narayana Rai Addl. P.P., Mangalore to instruct the P.P., Madras - Sanctioned.

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Read again:

G.O. Ms. No. 3975, Home, dated 1-11-52.

Read also:

From the Collr. of South Kanara C.3. 2691-53(1) dated 17-3-53.

From the P.P., Madras R.T. No. 5/53, dated 26-3-53.

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Order:

The Govt. ~~(of Madras)~~ sanction the deputation of Sri K. Narayana Rai. Addl. P.P., Mangalore who assisted the P.P., South Kanara in the conduct of the prosecution of the case referred to above in the Sessions Court, ~~to~~ Madras to instruct the P.P., Madras at the time of hearing of the appeal before the High Court, Madras.

2. The P.P., Madras will intimate the date of

hearing of the appeal in due course to the Collr. of South Kanara for communication to Sri K. Narayana Rai Addl. P.P., Mangalore.

3. The Govt. approve the action of the Collr. of South Kanara in having permitted Sri K. Narayana Rai Addl. P.P., Mangalore to proceed to Madras to instruct the P.P., Madras in the appeal in anticipation of Govt. sanction.

4. The Collector of South Kanara is requested to suggest a reasonable fee that may be paid to the Addl. P.P., Mangalore for his work in connection with ~~the~~ deputation to Madras in connection with the appeal referred to.

968.
30/3/53

To the P.P., Madras
,, Collr. of South Kanara, Mangalore
,, Addl. P.P., Mangalore thro. the Collr. of South Kanara

C.No. 58835 Cts.III/53.

Home (Cts.III) Dept.

P.P., Madras - Mulky Station Crime No. 120/50- Appeal against conviction in S.C.No. 34/52 on the file of the Sessions Judge, South Kanara - Deputation of the A.P.P., Mangalore to instruct the P.P., Madras - Approval of the action of the Collector.

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pp 1-2 c.f.

From the Collr. of South Kanara C3. 2691-53(1) dated 17-3-53.

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Please see the reference from the Collector, South Kanara and its enclosure at pp. 1-2 c.f.

pp. 9-10 c.f. of (K)

In G.O. Ms. No. 3975, Home, dated 1-11-52 the Addl. P.P., Mangalore, Sri K. Narayana Rai was appointed Junior Counsel to assist the Public Prosecutor, South Kanara to conduct the prosecution in the Session Court in the case referred to above. He was also allowed

Para 2 on p. 10 c.f. of (K)

Rs. 25/- per day subject to the usual conditions.

2. The Supdt. of Police, Crime Branch, C.I.D., Madras has stated that A.J. Peris and two others

Para 1 on p 2 c.f.

accused in the above case were convicted and sentenced to death by the Dt. and Sessions Judge, South Kanara and that the accused have preferred appeals to the High Court against the conviction and the sentence. He has also stated that the case is a

Para 2 on p 2 c.f.

very complicated one, involving many legal technicalities, study of voluminous records and that therefor it would be very advantageous and easier for the Public Prosecutor, Madras to oppose the appeals in the High Court, if the P.P. or Addl. P.P., Mangalore who conducted the prosecution of the case in the Sessions instructs him during the hearing of the appeal in the High Court. He has further pointed out that the P.P., South Kanara may not be available to go to Madras for the purpose, as he is likely to have Sessions work during the hearing of the appeals in the High Court; that Sri K. Narayana Rao, Addl. P.P., Mangalore who assisted the P.P. as junior counsel in the Sessions Court and who is ~~[illegible]~~ acquainted

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with the evidence and the facts of the case may be directed to instruct the P.P., Madras in the above appeals. The Collr. of South Kanara agrees with the Supdt. of Police and considers that in the interests of justice it is necessary that Sri K. Narayana Rai, the Addl. P.P., South Kanara who was appointed as junior counsel to assist the P.P., South Kanara in the Sessions work is deputed to Madras to instruct the P.P., Madras during the hearing of the appeals. In view of the urgency of the matter the Collector has permitted the Addl. P.P. to proceed to Madras for the purpose and he requests that his action may be approved.

3. It is one of the duties of the P.P., Madras to appear in criminal cases or appeals before the High Court in support of conviction when directed to do so by the Govt. or by the D.M. or when the High Court desire to hear counsel for the prosecution. In the appeals referred to above the P.P., Madras has not moved the Govt. for the deputation of either the P.P. or the Addl. P.P., South Kanara who conducted the prosecution in the lower court to assist him in the High Court. The Collr. has not also specified the period for which the junior has to remain in the city. The P.P. Madras may be consulted in the first instance. X

4. As regards the fee to be paid to Sri K. Narayana Rao, Addl. P.P., Mangalore in connection with his deputation. the question may be considered after the P.P.'s reply is received.

A draft memo. to the P.P. is submitted for approval w.r.t. X above.

Issue at once

From the P.P., Madras, Rc.No. 5/53, dated 26-3-53

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Please see the note at pp. 1-2 ante and the reply of the P.P., Madras at pp. 5-6 c.f. The P.P. has stated that Sri K. Narayana Rai the Addl. P.P. may be asked to come and assist him in view of the importance of the case; that the hearing will take about 2-3 days and that it may be necessary for the Addl. P.P. to come to Madras one day in advance for giving him the necessary instructions.

In the circumstances the deputation of Sri K. Narayana Rai, Addl. P.P. Mangalore to assist the P.P., Madras at the hearing of the appeal may be sanctioned and the Collr.'s action approved.

2 As regards the fee to be paid to the Junior Counsel, Sri K. Narayana Rai for his deputation to Madras the Collr. may be asked specifically to suggest a reasonable fee that may be paid to him for his deputation to Madras in due course. A draft order is submitted for approval. Finance may see before issue.

Home U.O. 58 dt. 30/3/53
153-2-H-31/3/53.

30/3/53

ADS/Fin

ADDITIONAL DEPUTY SECRETARY TO GOVERNMENT
31 MAR 1953
2671
FINANCE DEPARTMENT

Fin (Pens)

The draft order below may be accepted.

69232 DR
31.3.53

1/4/53

Home

ASSISTANT SECRETARY TO GOVERNMENT
1 APR 1953
GENERAL DEPARTMENT

Issue
TH. No. 1094
dt 2/4/53